

REMARKS

This is a full and timely response to the non-final Office action mailed December 15, 2004. Reexamination and reconsideration in view of the foregoing amendments and following remarks is respectfully solicited.

Claims 1-29 remain pending in this application, with Claims 1, 11, 20, and 21 being the independent claims. Applicant thanks the Examiner for finding allowable subject matter in Claims 2, 3, 10, 12, 13, 19, 24, 25, and 29. Independent claims 1, 11, and 21 have been amended herein to incorporate the allowable subject matter of claims 2, 19, and 24, respectively. Accordingly, claims 2, 19, and 24 have been cancelled. Claims 3 and 25 have been amended for cosmetic reasons. No new matter is believed to have been added.

I. REJECTIONS UNDER 35 USC 102

Claims 1, 4-9, 11, 14-18, 20-23, and 26-28 were rejected under 35 USC 102(b) as allegedly being anticipated by U.S. Patent Appn. No. 2002/0089324 to Miyata et al.

As previously mentioned, independent claims 1, 11, and 21 each have been amended herein to incorporate the allowable subject matter of claims 2, 19, and 24, respectively. Specifically, each of claims 1 and 21 now include the element "a gear train disposed within the actuator assembly housing and coupled between the torque source and the position sensor, whereby the drive force from the torque source is coupled to the position sensor", and claim 11 now includes the element "an output shaft disposed at least partially within the actuator housing and coupled to the position sensor to receive the drive force therefrom". Accordingly, Applicant submits that claims 1, 11, and 21 and the claims that depend therefrom are now allowable.

Independent claim 20 recites, *inter alia*, a gear train disposed within an actuator assembly housing where the gear train is coupled to receive and transfer a drive force supplied from a motor. Miyata et al. teaches a non-contact sensor for sensing a rotational position of a rotating object. See abstract. The sensor is a ring-shaped permanent magnet magnetized in the axial direction that is sandwiched between two pairs of magnetic plates from above and below. See id. Miyata et al. also teaches using the sensor in a throttle

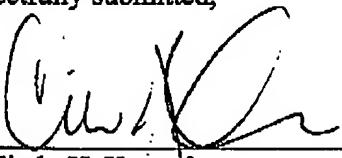
valve assembly that includes a rotating shaft 203 that is rotatably supported by a body 201, a throttle valve 200 for controlling an opening area of an air passage formed in the body 201, a resin cover 202 fixed to the body 201, and a motor 207 mounted to the body. See paras. [0073] and [0083]. However, no where does Miyata et al. remotely mention or suggest a gear train. This is acknowledged by the Examiner's allowance of claims 2, 12, and 24. Accordingly, claim 20 also should be allowable.

II. CONCLUSION

In view of the foregoing, entry of the preliminary amendment is believed proper pursuant to 37 C.F.R. § 1.115(b)(1), and its entry is respectfully requested.

If for some reason Applicants have not paid a sufficient fee with this submittal, please consider this as authorization to charge Ingrassia, Fisher & Lorenz, Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,

By: 
Cindy H. Kwacala
Reg. No. 47,667
(480) 385-5060

Dated: March 10, 2005

Ingrassia Fisher & Lorenz
Customer No. 29906